

CLOSED

**U.S. District Court
Eastern District of Missouri (St. Louis)
CRIMINAL DOCKET FOR CASE #: 4:21-mj-06027-PLC-1**

Case title: USA v. Hernandez

Date Filed: 01/19/2021

Other court case number: 1:21-mj-00073 USDC District of Columbia

Date Terminated: 01/19/2021

Assigned to: Magistrate Judge Patricia L. Cohen

Defendant (1)

Emily Hernandez

TERMINATED: 01/19/2021

Pending Counts

Disposition

None

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

RULE 5c3 OUT

Plaintiff

USA

represented by **U. S. Attorney – Criminal**
UNITED STATES ATTORNEYS
OFFICE – St. Louis
111 S. Tenth Street
20th Floor
St. Louis, MO 63102
314-539-2200
Fax: 314-539-7695
Email: usamoe.crimdock@usdoj.gov
LEAD ATTORNEY

GREGORY J. LINHARES, CLERK
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
BY: *Chandra Augs*



ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney
Bar Status: Gov

Email All Attorneys
 (will not send to terminated parties)

Email All Attorneys and Additional Recipients
 (will not send to terminated parties)

Date Filed	#	Page	Docket Text
01/19/2021			RULE 5 COMPLAINT – OUT signed by Judge Magistrate Judge Patricia L. CohenACCESS TO THE PDF DOCUMENT IS RESTRICTED PURSUANT TO THE E-GOVERNMENT ACT. ACCESS IS LIMITED TO COUNSEL OF RECORD AND THE COURT. as to Emily Hernandez (1). (DJO) (Entered: 01/20/2021)
01/19/2021			Arrest of defendant Emily Hernandez date of arrest: 1/19/2021 on charging papers from District of Columbia (CLO) (Entered: 01/20/2021)
01/19/2021	1		ELECTRONIC MINUTE ENTRY (no pdf attached) for proceedings held before Magistrate Judge Patricia L. Cohen: Initial Appearance re: Rule 5c3 – MJ arrest case only as to Emily Hernandez held on 1/19/2021. Under Section 15002(b)(2)(A) of the CARES act, in response to the COVID–19 crisis this Court authorizes the use of video and telephone conferencing for criminal hearings. The defendant has been advised and consents on the record to proceed by Zoom. Counsel for the government and for the defendant also participate by Zoom. Defendant advised of rights and indicated an understanding of those rights. Defendant given copy of: Complaint. Defendant to retain: Ethan Corlja., Bond Execution Hearing as to Emily Hernandez held on 1/19/2021. Bond set in the amount of: O/R. Bond papers executed., Rule 5c3 Removal Hearing as to Emily Hernandez held on 1/19/2021. Defendant does not contest identity and waives identity hearing. The Government makes an oral motion as to the excludable time under the speedy trial act as to the time between this hearing and the future appearance in the District of Columbia to which the defendant does not object. The Court GRANTS this oral motion as per the record. (Probation/Pretrial Officer: Molly Gain) (proceedings started: 3:48 PM) (proceedings ended: 4:08 PM)(Recorded on Zoom by: Colliges) (Defendant Location: BOND)(Appearance for Government: Matthew Drake)(Appearance for Defendant: Ethan Corlja) (CLO) (Entered: 01/20/2021)
01/19/2021	2		Rule 5 papers prepared by the judge as to Emily Hernandez. (CLO) (Entered: 01/20/2021)
01/19/2021	3		WAIVER of Rule 5(c)(3) Hearings by Emily Hernandez (CLO) (Entered: 01/20/2021)
01/19/2021	4		Appearance Bond Entered as to defendant Emily Hernandez in amount of \$ O/R, Signed by Magistrate Judge Patricia L. Cohen on 1/19/2021. (CLO) (Entered: 01/20/2021)
01/19/2021	5		ORDER Setting Conditions of Release by Defendant Emily Hernandez. as to Emily Hernandez (1) O/R Signed by Magistrate Judge Patricia L. Cohen on 1/19/2021. (CLO) (Entered: 01/20/2021)

Tape # _____ from _____ to _____

**RULE 5 INITIAL APPEARANCE RECORD BEFORE
MAGISTRATE JUDGE PATRICIA L. COHEN**

Mag. No. 4:21MJ 6027 PLCD/C Case No. 4:21MJ00073-District of ColumbiaDefendant's Name: Emily Hernandez Right to remain silent; and that defendant's statements can be used against him.

SSN# _____

Date of Initial Appearance: 1-19-21 Proceedings Commenced: _____

Date Federal Custody Commenced: _____

U.S. Attorney: _____ Present Not Present

Defense Attorney: _____ Present Not Present

Defendant advised of following:

Nature of Offense _____ Given copy of Complaint/Indictment/Information/Petition
 Rule 5(c)(3) removal to _____

 Right to be represented by counsel and have counsel appointed, if indigent Retained: _____ Appointed: _____ Right to preliminary examination under Rule 5.1 or preliminary hearing under 32.1
within 14 days if detained; and within 21 days if released. Right to hearing here under Rule 40 if charged in another district. Right to transfer here for guilty plea under Rule 20 if charged in another district.Pretrial Services Officer: Molly Gain

Probation Officer: _____

Defendant's residence: _____ Tel. No. _____

Defendant's Age: _____ DOB: _____ Sex: _____ Race: _____

 Married; Spouse's Name: _____ No. of children: _____ Single Ages: _____

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EASTERN DISTRICT OF MISSOURI
BY: Anna Auges



Defendant's current employment: _____

Location of defendant's family: _____

Defendant's prior convictions: _____

Bail set at: _____ Sec. O.R. Unsec. Cash Property 10%
AB AB Only

Motion for detention hearing made by _____ United States _____ Magistrate Judge

Detention hearing: _____, 2021, at _____ before Judge Cohen
Date **Time**
and/or

Next Appearance: TBD, 2021, at _____ before Judge _____
Date **Time**

for _____
Proceeding

Disposition at Initial Appearance: _____ Committed to Custody _____ Released on Bond

Notes: _____

PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

District of Missouri

United States of America

v.

EMILY HERNANDEZ

Defendant

Case No. 4:21-MJ-6027 PLC

Charging District's Case No. 1:21MJ0073 (District of Columbia)

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)I understand that I have been charged in another district, the (name of other court) District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

an identity hearing and production of the warrant.

a preliminary hearing.

a detention hearing.

an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that any preliminary or detention hearing be held in the prosecuting

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 1/19/2021Emily Hernandez

Defendant's signature

#52665MO

1/19/2021

Ethan B. Corlija

Signature of defendant's attorney

Ethan B. Corlija

Printed name of defendant's attorney

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
BY: Cherie Siegel



AO 98 (Rev. 12/11) Appearance Bond (Modified)

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

United States of America

v.

EMILY HERNANDEZ

Defendant

) Case No. 4:21-MJ-6027 PLC

) 1:21MJ00073 (District of Columbia)

APPEARANCE BOND

Defendant's Agreement

I, EMILY HERNANDEZ (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- to appear for court proceedings;
- if convicted, to surrender to serve a sentence that the court may impose; or
- to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

(X) (1) This is a personal recognizance bond.

() (2) This is an unsecured bond of \$ _____.

() (3) This is a secured bond of \$ _____, secured by:

(a) \$ _____, in cash deposited with the court.

() (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it—such as a lien, mortgage, or loan—and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

() (c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety):*

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

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 EASTERN DISTRICT OF MISSOURI
 BY: *Charles J. Augs*



AO 98 (Rev. 12/11) Appearance Bond (Modified)

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 01/19/2021

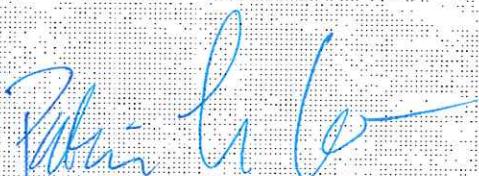

Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Approved.

Date: 01/19/2021



PATRICIA L. COHEN
United States Magistrate Judge

UNITED STATES DISTRICT COURT
for the

Eastern District of Missouri

United States of America

v.

EMILY HERNANDEZ

Defendant

)
)
)
)
Case No. 4:21-MJ-6027 PLC (1:21MJ0073 -
District of Columbia)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: U.S. District Court (District of Columbia) 333 Constitution Ave. N.W.

Place

Washington, D.C. 20001

on

TBD

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

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EASTERN DISTRICT OF MISSOURI
BY: Meala Allegs

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:

Person or organization _____

Address (*only if above is an organization*) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

() (7) The defendant must:

() (a) submit to supervision by and report for supervision to the U.S. Pretrial Services telephone number 314-244-7000, no later than immediately upon release _____.

() (b) continue or actively seek employment.

() (c) continue or start an education program.

() (d) surrender any passport to:

() (e) not obtain a passport or other international travel document.

() (f) abide by the following restrictions on personal association, residence, or travel: Eastern District of Missouri. No outside travel particularly no travel to District of Columbia unless for Court and must provide Pretrial Services in advance with travel amendments, when court matters are set. Must reside at 2415 Highway AF Sullivan, MO 63080.

() (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

() (h) get medical or psychiatric treatment: _____

() (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

() (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

() (k) not possess a firearm, destructive device, or other weapon.

() (l) not use alcohol () at all () excessively.

() (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

() (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

() (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

() (p) participate in one of the following location restriction programs and comply with its requirements as directed.

() (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

() (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

() (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

() (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

() You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

() (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

() (s) Contact Pretrial Services immediately after hearings conclude: (314) 401-1727 - Shannon McAllister
Defendant must remove all firearms within twenty-four (24) hours.

ADVICE OF PENALTIES AND SANCTIONS**TO THE DEFENDANT:****YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

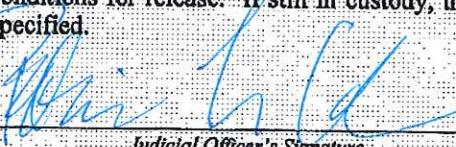
2415 Highway AF Sullivan, MO 63080

City and State

Directions to the United States Marshal

The defendant is ORDERED released after processing.
 The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 1/19/2021



Judicial Officer's Signature

Patricia L. Cohen, U.S. Magistrate Judge

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL